

### **REMARKS**

Claims 1-9 are pending in this application after this amendment. Claims 1 and 5 are independent. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicants have amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the final Official Action, the Examiner rejected claims 1-2, 6 and 9 under 35 U.S.C. §102(b) as being anticipated by Numazu (USP 5,765,082); rejected claims 3 and 5-7 under 35 U.S.C. §103(a) as being unpatentable over Numazu in view of Futoshi; and rejected claims 4 and 8 under 35 U.S.C. §103(a) as being unpatentable over Numazu in view of alleged well known art. Applicants respectfully traverse these rejections.

#### **Claim Rejections – 35 U.S.C. §102**

By this amendment, Applicants have amend claim 1 to recite an image forming apparatus comprising a plurality of image carriers arranged in a sheet transporting direction, the plurality of image carriers comprising an image carrier of black and an image carrier of a color other than black; a transfer unit, which has transfer members corresponding to the respective image carriers, for transferring images carried on the respective image carriers, and a belt suspended from the transfer member, wherein the transfer members comprise a transfer member of black and a transfer member of the color other than black, wherein the transfer unit has a rotary fulcrum positioned outside the belt and in the vicinity of an extension of the axis of a transfer member located on one end portion in the sheet transporting direction so as to be approximately parallel to the axis, and can be rotated on the rotary fulcrum in directions of moving to and from the image carriers, and wherein a distance between any two of the transfer members stays constant during a rotation of the transfer unit.

Exemplary support for the amendments set forth herein may be found at page 12, lines 6-12 of the specification. One example of an image forming apparatus has four image formation areas that “correspond to black, cyan, magenta and yellow in this order from the upstream side of the sheet transporting direction.” Each of the four image formation areas has an image carrier 1, development unit 2, charging unit 9, light exposure unit 10 and cleaner unit 11.

Fig. 6 illustrates “a contact position (multicolor image transfer mode) in contact with all the image carriers.” Fig. 7 illustrates “a monochrome image transfer mode in which only an image carrier 1 positioned in upstream side in the sheet transporting direction is in contact with the belt 55” (see page 25, lines 10-13).

As can be seen from this disclosure, a transfer member 51a is for black and each of transfer members 51b, 51c and 51d is for a color other than black.

The Examiner alleges that “transfer brushes 44a, 44b and 44c” of Numazu correspond to “transfer members” of claim 1, the combination of “movable arm 55” and “cam 63” of Numazu corresponds to the “transfer unit” of claim 1.

The Examiner further alleges “image transfer brush 44d is not even a part of the transfer unit,” and clearly mentions that only transfer brushes 44a, 44b and 44c are included in the transfer member, but not transfer brush 44d.

Transfer brush 44d is for photosensitive drum 42 corresponding to an image forming unit 77d containing black toner (col. 14, lines 39-43; Fig. 1A and 2A). Thus, the Examiner alleges that the transfer member of Numazu does not include the transfer member of black of Numazu.

As the Examiner admits that the transfer member of Numazu does not include the transfer member of black of Numazu, Applicants respectfully submit that Numazu fails to teach all of the claim elements recited in claim, as amended. As such, it is respectfully requested that the outstanding rejection be withdrawn.

In addition, claim 1 clearly recites the transfer unit has a rotary fulcrum positioned in the vicinity of a transfer member.

The Examiner alleges that cam 63 of Numazu teaches the rotary fulcrum of claim 1.

However, cam 63 of Numazu is positioned under movable arm 55. Thus cam 63 of Numazu is not positioned in the vicinity of any one of the transfer brushes 44a, 44b and 44c (while the Examiner alleges that transfer brushes 44a, 44b and 44c of Numazu correspond to the transfer members of claim 1).

As such, Applicants respectfully submit that Numazu fails to teach or suggest the transfer unit having a rotary fulcrum positioned in the vicinity of a transfer member.

For at least the reasons set forth above, Applicants respectfully submit that Numazu fails to teach or suggest all of the claim elements. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-4 and 6-9 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1.

It is further respectfully submitted that claim 5 includes at least one of the elements similar to those discussed above with regard to claim 1. As such, for the reasons set forth above, Numazu fails to teach or suggest all of the elements of claim 5. Futoshi fails to cure the deficiencies of the teachings of Numazu. As neither Numazu nor Futoshi, either alone or in combination, teach or suggest all of the elements of claim 5, Applicants respectfully submit that claim 5 is patentable over the references as cited. It is respectfully requested that the outstanding rejections be withdrawn.

### Conclusion

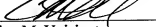
In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By   
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